

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Gene M. Gomes, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Senior Deputy Clerk.

**F041146      People v. Esquivel**

Parties stipulate that (1) Levy, J., the absent assigned justice, participate in the determination of this appeal, and (2) Levy, J., to listen to the recording of oral proceedings upon his return.

Cause called and argued by Deanna F. Lamb, Esq., counsel for appellant. Harry J. Colombo, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Friday, November 7, 2003 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Gene M. Gomes, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Senior Deputy Clerk.

**F042089      Protect Our Water et al. v. County of Stanislaus; Diablo Grande Limited Partnership et al.**

Parties stipulate that (1) Levy, J., the absent assigned justice, participate in the determination of this appeal, and (2) Levy, J., to listen to the recording of oral proceedings upon his return.

Cause called and argued by Rose M. Zoia, Esq., counsel for appellant and by Rick W. Jarvis, Esq., counsel for real party in interest. John P. Doering, Esq., Deputy County Counsel, counsel for respondent, did not appear and will rely upon argument by real party in interest.

Cause ordered submitted.

Court recessed until Monday, November 10, 2003 at 1:45 P.M.

IN THE

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- F041231      Lunsford v. Key Energy Services of California, Inc.**  
The judgment is reversed. Lunsford is awarded his costs on appeal. Cornell, J.  
We concur: Buckley, Acting P.J.; Wiseman, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040182      People v. Montejano**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F042911      People v. Reid**  
The above-entitled case is submitted for decision.
- F042911      People v. Reid**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043062      People v. Thomas**  
The above-entitled case is submitted for decision.
- F043062      People v. Thomas**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040975      People v. Gomez**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F040975      People v. Gomez**

The trial court is directed to prepare an amended abstract of judgment in case No. 84028. The abstract of judgment shall list the enhancements found true in that case and indicate that Gomez was sentenced pursuant to the three strikes law and that his sentence was imposed consecutive to the sentence imposed in case Nos. 67793 and 77824. The court is further directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042785      In re Punafo Tsugito Telei On Habeas Corpus**  
**F044144**

On its own motion and after notice to the parties, the court orders the captioned matters consolidated for purposes of decision.

**F042785      In re Punafo Tsugito Tilei On Habeas Corpus**  
**F044144**

Order to show cause issued returnable before trial court.

**F040797      People v. Scott**

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Vartabedian, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043001      In re S. M., a Minor**

The above-entitled case is submitted for decision.

**F043001      In re S. M., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042200      People v. Rye**

The above-entitled case is submitted for decision.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**F042200**      **People v. Rye**

The judgment is modified to indicate that the \$390 fine imposed by the court was imposed pursuant to Vehicle Code section 23554. The trial court is directed to correct its paperwork accordingly. It is further directed to prepare an amended abstract of judgment which reflects that the court imposed the \$390 fine pursuant to this section and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]